

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 28, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB867 by Thompson, Senfronia (Relating to the issuance of a qualified domestic relations order for the payment of spousal maintenance and child support obligations.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code to provide that the amount of maintenance specified in a court order or the portion of a decree that provides for the maintenance of a former spouse may be modified by the filing of a motion in the court that originally rendered the order. The bill would prevent a court from increasing the maintenance to an amount or duration that exceeds the amount or remaining duration of the original maintenance order.

The bill would amend the Family Code to permit a party to a maintenance order to petition the court for a qualified domestic relations order. The bill would provide that the court that rendered the maintenance payment or that obtains jurisdiction to enforce the maintenance has continuing jurisdiction to render enforceable qualified domestic relations orders. The bill would provide that the court rendering the order retains continuing jurisdiction to amend the order, to convert the amount or frequency of payments under the order, or to vacate or terminate the order. The bill would also provide that, to the extent of a conflict between the subchapter and Government Code Chapter 804, the latter prevails.

The bill would amend the Family Code to permit a party to a child support order or the Title IV-D agency to petition the court for a qualified domestic relations order. The bill would provide that the court that rendered the child support order or that obtains jurisdiction to enforce a child support order under Chapter 159 has continuing jurisdiction to render enforceable qualified domestic relations orders. The bill would provide that the court rendering the order retains continuing jurisdiction to amend the order, to convert the amount or frequency of the payments under the order, or to vacate or terminate the order. The bill would also provide that, to the extent of a conflict between the subchapter and Government Code Chapter 804, the latter prevails.

Based on the analysis of the Office of Court Administration and the Office of the Attorney General, it is assumed that duties and responsibilities associated with implementing the bill could be accomplished utilizing existing resources. In addition, no significant fiscal impact to the state court system is anticipated with the implementation of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin, 302 Office of the Attorney General

LBB Staff: JMc, SMAT, BH, DKN, MW